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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,323	04/08/2004	Jason Cerrano	19215-5	8522
<div>7590      09/05/2007</div> <div>John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102</div>				
			EXAMINER WOLFE, DEBRA M	
			ART UNIT 3725	PAPER NUMBER
			MAIL DATE 09/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/820,323

Applicant(s)

CERRANO, JASON

Examiner

Debra Wolfe

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_



## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Cerrano et al (US Patent # 6,722,176) in view of Weigand (US Patent # 4, 842,249). Cerrano et al discloses a tool comprising of an elongate body (12) and a pair of opposing arms (14, 14) comprising of a first arm (54) and a second arm (56) extending outwardly from the body (12), at least one of the first arm (54) and the second arm (56) slidably coupled to the body (12) (see column 3, lines 42-44), each of the arms (54, 56) comprising an inner face (90) and an outer face (92), at least one of the first arm (54) inner face (90) and the second arm (56) inner face (90) comprising a plurality of teeth (100) extending along at least one of the first arm inner face (90) and the second arm inner face (90) substantially from a radially outer tip (96) of the face to the body (12) (see figs. 1, 2, 4 and 5 which show the teeth 100 extending from the tip 96 to the body 12). Cerrano discloses the invention substantially as claimed except for wherein the outer face of the first or second arm has a plurality of grooves. However, Weigand teaches of having a rescue tool with a first and second arm with a plurality of grooves (recessed portions between the upper ends of the teeth 44) that extend the width of the outer face in order improve the gripping function of the outer face.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention



was made to modify the outer face of the first and second arm of Cerrano with a plurality of grooves as taught by Weigand in order to improve the gripping function of the outer face.

In reference to claim 2, Cerrano discloses in figures 1 and 2 the first arm (54) being substantially parallel to and faces the second arm (56).

In reference to claim 3, figures 1 and 2 of Cerrano show the first arm (54) inner face (90) located between the first arm (54) outer face (92) and the second arm (56) and further shows the first arm (54) and second arm (56) inner faces (90) each having a plurality of teeth (100).

In reference to claims 4 and 5, Cerrano et al further discloses that the body (12) has an axis of symmetry (28) and each arm (54, 56) is slidable along the body (12) in a direction that is substantially parallel to the axis of symmetry (28).

In reference to claim 6, Cerrano et al discloses the first arm (54) is substantially parallel to the second arm (56) (see fig. 1 and 2) and the first and second arms (54, 56) are slidable along the body (12) such that the first arm (54) remains substantially parallel to the second arm (56) (see column 2 lines 5-9)

In reference to claims 7-9, Cerrano et al discloses a collar (16) that is configured to couple to the body (12) and is threadingly coupled with the first arm (54) such that it limits an amount of travel of the first arm (54).

In reference to claim 10, Cerrano et al shows in figure 1 the first and second arms (54, 56) each having a coupling portion (60) and a gripping portion (62) wherein each of the coupling portions (60) is configured to couple each arm to the body (12) and each of the gripping portion (62) extends from the coupling portion (60) and has a substantially triangular cross-sectional profile



In reference to claim 11, Weigand further teaches of the plurality of grooves (recessed portions between the upper ends of the teeth 44) extend from a gripping portion to a tip of the coupling portion, as seen in figure 2.

In reference to claim 12, Weigand further shows in figures 1 and 2 the plurality of grooves (recessed portions between the upper ends of the teeth 44) are substantially parallel.

In reference to claim 13, figures 1, 2, 7 and 8 of Weigand show the first arm (32) outer face and the second arm outer face each having a plurality of grooves (recessed portions between the upper ends of the teeth 44) defined therein.

2. Claims 14-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cerrano et al (US Patent # 6,722,176) in view of Weigand (US Patent # 4,842,249). Cerrano et al discloses a rescue tool for use with emergency extrications from a structure comprising of a shaft (12) having a centerline axis (28) and a pair of opposing arms (14, 14) comprising of a first arm (54) and a second arm (56) extending outwardly from the shaft (12), at least one of the first arm (54) and the second arm (56) slidably coupled to the shaft (12) (see column 3, lines 42-44) and is moveable along the shaft (12) in a direction substantially parallel to the shaft centerline axis (28), each of the arms (54, 56) comprising an inner face (90) and an outer face (92), at least one of the first arm (54) inner face (90) and the second arm (56) inner face (90) comprising a plurality of teeth (100) extending along at least one of the first arm inner face (90) and the second arm inner face (90) substantially from a radially outer tip (96) of the face to the body (12) (see figs. 1, 2, 4 and 5 which show the teeth 100 extending from the tip 96 to the body 12). Cerrano discloses the invention substantially as claimed except for wherein the outer face of the first or second arm has a plurality of grooves. However, Weigand teaches of having a rescue tool with a first and second



arm with a plurality of grooves (the grooves are formed between the areas between the tips of the teeth) that extend the width of the outer face in order improve the gripping function of the outer face. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the outer face of the first and second arm of Cerrano with a plurality of grooves as taught by Weigand in order to improve the gripping function of the outer face.

In reference to claims 15, figure 1 of Cerrano shows each of the arms (54, 56) inner face (90) having a plurality of teeth (100).

In reference to claim 16, Weigand further teaches of the plurality of grooves (recessed portions between the upper ends of the teeth 44) are defined across each of the arms outer face.

In reference to claim 17, figures 1-5 of Cerrano show the first arm (54) being substantially parallel to the second arm (56).

In reference to claim 18, Cerrano et al discloses in column 2 lines 5-9 each arm (54, 56) is slidable coupled to the shaft (12) and moveable in a direction substantially parallel to the shaft centerline axis (28).

In reference to claim 19, Cerrano et al discloses the first and second arms (54, 56) are slidable coupled to the shaft (12) such that the first arm (54) remains substantially parallel to the second arm (56) (see column 2 lines 5-9)

In reference to claim 20, Cerrano et al shows in figure 1 the first and second arms (54, 56) each having a coupling portion (60) and a gripping portion (62) wherein each of the coupling portions (60) is configured to couple each arm to the shaft (12) and each of the gripping portion



(62) extends from the coupling portion (60) and has a substantially triangular cross-sectional profile

In reference to claim 21, Weigand further teaches of the plurality of grooves (recessed portions between the upper ends of the teeth 44) extend from the gripping portion to a tip of the coupling portion.

In reference to claim 22, figures 1 and 2 of Weigand show the plurality of grooves (recessed portions between the upper ends of the teeth 44) are substantially parallel.

In reference to claim 23-25, Cerrano et al discloses a collar (16) that is configured to couple with the shaft (12) and is threadingly coupled with the first arm (54) such that it limits an amount of travel of the first arm (54).

3. Claims 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cerrano et al (US Patent # 6,722,176) in view of Weigand (US Patent # 4,842,249). Cerrano et al discloses a method of performing an emergency extrication from a structure with a rescue tool comprising of providing a rescue tool including a body (12) and a pair of arms (14, 14) coupled to the body (12) and extending outwardly from the body (12), wherein at least one of the pair of arms (14, 14) includes an inner face (90) including a plurality of teeth (100) extending along the inner face (90) substantially from the body to the tip of the arm (see fig. 1, 2, 4 and 5) and an outer face (92), positioning the rescue tool adjacent the structure such that at least one of the pair of arms (14, 14) is positioned such that the outer face contacts the structure and performing the emergency extrication from the structure (see column 8 lines 6-50). Cerrano discloses the invention substantially as claimed except for wherein the outer face of the first or second arm has a plurality of grooves. However, Weigand teaches of having a rescue tool with a first and second



arm with a plurality of grooves (the grooves are formed between the areas between the tips of the teeth) that extend the width of the outer face in order improve the gripping function of the outer face. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the outer face of the first and second arm of Cerrano with a plurality of grooves as taught by Weigand in order to improve the gripping function of the outer face.

In reference to claim 27, Cerrano et al discloses in column 5 lines 38-41 and column 8 lines 28-29 disclose slidably adjusting a position of at least one of the arms (54, 56) with respect to the tool body (12), such that the arm is moved in a direction that is substantially parallel to an axis of symmetry (28) of the tool body (12).

In reference to claim 28, Cerrano et al discloses in column 5 lines 38-41 and column 8 lines 28-29 disclose slidably adjusting a position of at least one of the arms (54, 56) with respect to the tool body (12), such that the arms (54,56) remain substantially parallel with respect to each other and remain substantially perpendicular with respect to the tool body (12).

In reference to claim 29, Cerrano further discloses in column 5 lines 43-45 and column 8 lines 28-29 disclose slidably adjusting a position of each arm with respect to the tool body (12) such that each arm is moved in a direction that is substantially parallel to an axis of symmetry (28) of the tool body (12).

With reference to claim 30, column 8 lines 36-38 disclose adjusting a position of at least one arm (56) using a collar (16) that is coupled to the tool body (12) and the arm (56) being repositioned.





In reference to claim 31, Cerrano discloses in column 8 lines 36-38 disclose positioning the rescue tool and limiting an amount of travel of at least one arm by adjusting a collar (16) coupled to the tool body (12) and to at least one arm (54,56).

In reference to claim 32, Cerrano further discloses in column 8 lines 36-42 disclose increasing a distance (412) between the pair of arms (54, 56) such that at least the rescue tool forcibly moves a portion of the structure.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 7am - 4:30pm with alternating Friday 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Debra Wolfe  
Examiner  
Art Unit 3725

A handwritten signature in black ink, appearing to read "Derris H. Banks", is written over a horizontal line.

**DERRIS H. BANKS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**